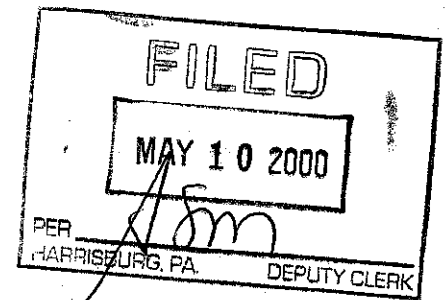


(3)  
5/11/00  
ASm

CV-00-131

CV-00-199  
Consolidated  
into  
CV-00-131



TERMED PROSE  
CONSOL

U.S. District Court  
Middle District of Pennsylvania (Harrisburg)

CIVIL DOCKET FOR CASE #: 00-CV-199

Mah v. Reno  
Assigned to: Judge Yvette Kane  
Demand: \$0,000 42109  
Lead Docket: None  
Dkt # in PAMD-Hbg : is 1:cv-99-1733  
Dkt # in PAMD-Hbg : is 1:cv-00-199

Filed: 02/02/00

Nature of Suit: 530  
Jurisdiction: US Defendant

Cause: 28:2241 Petition for Writ of Habeas Corpus (IMMIGRATION)

WAI CHIU MAH  
petitioner

Wai Chiu Mah  
98-00-193  
[COR LD NTC] [PRO SE]  
CTY-SNY  
Snyder County Jail  
600 Old Colony Rd.  
Selinsgrove, PA 17870-8610  
717-374-7912

v.

JANET RENO, Attorney General  
respondent

Certified from the record  
Date 5/10/00  
Per Mary E. D'Andrea, Clerk  
Ann Marie Michael  
Deputy Clerk

Proceedings include all events.  
 1:00ev199 Mah v. Reno

TERMED  
 PROSE  
 CONSOL

2/2/00 1 PETITION FOR WRIT OF HABEAS CORPUS by petitioner. Receipt #: 333 78643 Amt: \$5.00 (sc) [Entry date 02/04/00]

2/4/00 -- PRISONER LETTER issued as to petitioner Wai Chiu Mah with Notice and Consent Form and Notice of Judicial Assignment. (sc) [Entry date 02/04/00]

2/4/00 -- REMARK - Case file with copy of docket to Judge Kane. (sc) [Entry date 02/04/00]

5/10/00 2 ORDER - by Judge Yvette Kane: IT IS ORDERED THAT: 1. The Clerk of Crt. is directed to serve copies of the pleadings in the above-captioned matters on respondent and the US Atty. 2. Pur. to 28 USC 2243, and within 15 days of the dt. of this order, respondent is directed to show cause why the writ should not be granted. 3. Petitioner shall file any response thereto within 10 days of respondent's filing. IT IS FURTHER ORDERED THAT petitioner's related matter, CV-00-199, shall be consolidated into CV-00-131. The Clerk of Crt. shall close CV-00-199. Case terminated Case consolidated (cc: all counsel (cert. & reg. mail), court & Security) (am) [Entry date 05/11/00]

5/11/00 -- REMARK - Case file consolidated into CV-00-131. (am) [Entry date 05/11/00]

5/11/00 -- REMARK - File jacket & copy of doc. #2 placed in the Hbg. closed file room. (am) [Entry date 05/11/00]

Rec 333 78643

1:CV 00- 199

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

WAI CHIU MAH  
(Petitioner)

-v-

JANET RENO, ATTORNEY GENERAL  
(Respondent)

FILED  
HARRISBURG, PA

FEB - 2 2000

MARY E. D'ANDEA, CLERK  
Per         
Deputy Clerk

RECEIVED  
SCRANTON

PETITION FOR RELIEF PURSUANT TO 28 U.S.C. SECTION 2241

JAN 31 2000  
PER         
DEPUTY CLERK

NOW COME, Petitioner Wai Chiu Mah, pro-se, and respectfully moves this honorable court to grant him a nominal bail pursuant to Federal Rules of Civil Procedure 65(C) pending the resolution of his habeas corpus petition in violation of his constitutional due process right with this court.

Petitioner further moves this honorable court to apply the standard in Haines v Kerner, 404 U.S. 519 (1971). In Haines, the Supreme Court urged the State and Federal court to construe pro se and indigent petition liberally and cure all procedural errors because pro se petitioners are not lawyers.

In support thereof, Petitioner avers as follows:-

FACTUAL STATEMENT

Petitioner, Wai Chiu Mah, is a native and citizen of Hong Kong, born November 12th, 1954, who came into the United States on March 5th, 1965, at Honolulu, Hawaii with his mother, father, and five (5) of his siblings. In 1965, his status was adjusted to that of a lawful permanent resident.

Petitioner further states that since his arrival into the United States in 1965, he never left the United States, and his entire family (including his wife, whom he married on July 25th, 1980, his two United States citizen children, his mother and father, who are retired naturalized United States citizens, and his five siblings, who are United States citizens) resides in the United States from 1965 till present.

On or about February 25th, 1998, while serving his prison sentence for a criminal conviction, he was ordered remove from the United States, and Petitioner through his counsel appealed the decision of the Immigration judge of his removal order to the Board of Immigration Appeals.

On or about January 15th, 1999, the Board of Immigration Appeals (BIA) dismissed Petitioner's appeal on the ground that he was convicted of an aggravated felony, and his removal order became administratively final.

On September 21st, 1999, Petitioner filed a habeas corpus challenging his deportation order entered as an aggravated felony, in which Honorable Judge Kane dismissed the petition, and Petitioner filed a motion for reconsideration which is still pending with the court.

On or about January 4th, 2000, Petitioner filed another habeas corpus pursuant to 2241, challenging the violation of his constitutional right of Fifth Amendment based on his continued indefinite detention, still pending with this court.

Petitioner undertakes this petition because since the time of his arrest by INS and throughout his detention no bond has been set for his release despite the fact that he was entitled to bond pursuant to the transitional period custody rule (TPCR) as set forth in the (IIRIRA).

**SUBJECT MATTER AND DISTRICT COURT JURISDICTION**

Petitioner, Mr Mah, is in custody at Snyder County Prison under the custody of Immigration and Naturalization Service (INS) in Selinsgrove in violation of his constitutional Due Process. The District court, for the Middle District of Pennsylvania has jurisdiction over this petition by virtue of Title 28 U.S.C. Section 2241 of the Federal Rules of Criminal Procedure which allows person(s) being detain or held unlawfully to petition the court in the jurisdiction or District of his confinement. The Fifth Amendment mandates that " no person shall be deprive of life, liberty, or property without due process of law"

This due process of law protection extends not only to United States citizens but any person within the territorial United States. See Player v. Doe, 457 U.S. 202 (1982), In 1996, Congress through the enactment of AEDPA and IIRIRA attempted to narrow down or reduce judicial challenges in Immigration rulings, but several courts have noted that the power of the "Great Writ " to challenge issues of constitutional violation as it relates to aliens, both legal and illegal is still intact. See Sandoval v. Reno, 164 F. 3d 225 (3rd Cir. 1999), and De Sousa v. Reno, F.3d 1999 WL 643171 (3rd Cir. 1999).

In Sandoval, the Third Circuit Court of Appeals held that AEDPA and IIRIRA did not eliminate habeas corpus jurisdiction over all deportation related claims under 28 U.S.C. Section 2241 because there was not clear statement of Congressional intent to repeal habeas corpus jurisdiction and it could not be repealed by implication. See Sandoval 166 F.3d at 231-238.

Furthermore, this court has jurisdiction to review this case because alien who has been denied release on bail pending deportation proceeding was not required to exhaust his administrative remedies prior to seeking habeas corpus in federal court. See Montero v. Cobb, 937 F.Supp. 88 (D.Mass. 1996), Pastor-Camarera v. Smith, 977 F. Supp. 1415 (W.D. Wash. 1997), Richard v. Reno, 994 F. Supp 1466.

Van-Eeton V. Bedie, 49 F. Supp. 2d 1186 (D. or. Feb. 199), Martina v. Green, 28 F. Supp. 2d 1275 ( D. Colo. 1998), Tam v. INS, 14 F. Supp. 2d 1184 (E.D. Cal. 1998), and Mathews V. Reno, 52 F. Supp. 2d 195 (D. Mess. 1999).

#### ISSUE PRESENTED FOR REVIEW

- (1) Whether mandatory detention 236(C) of the INA, can be retroactively applied to a lawful permanent resident, who was released from criminal conviction before October 9th, 1998?
- (2) Whether mandatory detention under 236(C) of INS, violate deportable alien constitutional right to Fifth Amendment due process?

#### ARGUMENT IN SUPPORT

- (1) Whether mandatory detention 236(C) of the INA, can be retroactively applied to a lawful permanent resident, who was released from criminal conviction before October 9th, 1998?

Congress has explicitly set forth the effective date of the new detention provisions of the IIRIRA. See Pub. L. 104-208, Div C. Title III, §303 (b), Sept. 30th 1996, 110 Stat. 3009-586. In that provision, Congress provided that implementation of the mandatory detention provision contained in 8 U.S.C. Section 1226(C) could be delayed for up to two years upon the request of the Attorney General. See IIRIRA Section 303(b)(2).

Congress then provided that after the end of such 1 year or 2 years period, the provision of 8. U.S.C. Section 1226 (C) shall apply to individuals released after such period. IIRIRA Section 303(b)(2) clearly set forth the express command of Congress that the permanent mandatory detention provisions are to be applied to aliens who were released after the transitional rules expired. The transitional rules expired on Oct 9th, 1998, and, therefore, by virtue of the express terms of IIRIRA, 8. U.S.C. Section 1226(C) does not apply to Petitioner who was released before October 8th, 1999. As Justice Scalia recently observed, " If to state this case, is not to decide it. The law has departed further from the meaning of language than is appropriate for a government that is supposed to rule (and to

be restrained) through the written ward" United States v. Rodriguez-Moreno, -US- 119, Sct 1139 (1999).

In Barahona-Gomez v. Reno, 167 F.3d 1228 (9th Cir. 1999). The Ninth Circuit court of Appeals held that an alien in deportation proceedings that was denied bail by INS, is entitled for a nominal bail of \$1000 pursuant to Fed.R.Civ.P.65(c). See Walter v Reno, 145 F.3d 1032 (9th Cir. 1998)..

In Velasquez v. Reno, 37 F.Supp. 2d 663 (D.N.J. 1999). The court held that mandatory detention provision of INA should not be applied retroactively. It violates both Fifth Amendment Substantive and Procedural Due Process rights and as well as the Eight Amendment prohibition against excessive bail. Please see:

Alwaday V. Beebe, 1999 WL 184028 (D. Ore, 1999);  
Alves-Curras V. Fasano, 98 CV 2295 (S.D. Cal, 1999);  
Reyes-Rodriguez V. Fasano, 99 CV 0023 (S.D. Cal, 1999);  
Grant V. Zemski, 99- 2620 (E.D. pa, 1999);  
Abdel Fattah V. Reno, 3:99 CV 0947 (M.D.PA, 1999);  
Miranda-Artiaga V. Reno, 3: CV 99-0949 (M.D.Pa, 1999);  
Zargo V. Reno, 99-1938 (NHP) (D.N.J. 1999);  
Sena V. Fasano, 99 CV 715 BTM (RBB) (S.D. Cal, 1999);  
Aguilar V. Lewis, 98-99-662 A (E.D.VA, 1999);

(2) Whether mandatory detention under 236(C) of INA, violate deportable alien constitutional right to Fifth Amendment due process?

Petitioner argues that the current law under Section 236(c)(1) of the INA by which he is being detained is unconstitutional and violates his due process right. The section provides that the Attorney General shall take into custody certain criminal aliens upon completion of their criminal sentence and that they may not be considered for release.

In 1988, Congress enacted a similar law (ADAA) under 8 U.S.C. section



1252(a)(2), which provided that any alien convicted of an aggravated felony offense be detained upon completion of the alien's sentence. But several courts that found that statute to be in violation of both the Fifth and the Eight Amendment of United States Constitution.

In Probert V. INS, 750 F.Supp. 252 (E.D. Mich. 1990), the court stated that no act of Congress can authorize a violation of the constitution. The court further wrote: " the Fifth Amendment speaks of persons, as does the Eight Amendment. It does not speak of citizens, it does not speak of residents, it speaks of persons. All persons in the United States are entitled to fundamental due process, which is totally demied by the statute 8 U.S.C. section 1252(a)(2) in question."

In Kellman V. District Director, 750 F. Supp. 625 (S.D.N.Y. 1990), the court ruled that Congress cannot constitutionally render a permanent resident alien in deportation proceedings ineligible for bail without a case by case determination of suitability for release on bail.

In Paxton V. INS, 745 F. Supp. 1261 (E.D. Mich. 1990), the court held that " a statute which authorized a mandetory denial of bail achieve the same result of violating the prohibition against excessive bail within the context of the Eight Amendment.

The court in Paxton, followed the Supreme Court's reasoning in Unites States V. Salerno, 481 U.S. 739 (1987), and looked into the legislative intent behind 8 U.S.C. 1252 (a)(2) to determine if the regulation was permissible. In its analysis, the court determine that the regulatio were excessive in the light of the goals that they sought to achieve and that the mandate that " the Attorney General shall not release such felon from custody is precisely the type of govermental conduct that shocks the conscience and interferes with rights implicit in the concept of ordered liberty.

Petitioner further asserts that the mandetory detention provission under dection 236(c), which denied individualised determination of suitability for release on bail for permanent resident is

unconstitutional and violates due process.

Under 8 U.S.C. section 1226(c)(1), Congress seeks to detain virtually all criminal aliens, a much more broader group than the group of aggravated felons that 8 U.S.C. section 1252(c)(2) sought to detain. But by doing so, Congress would be imputing a purpose to injure society to all aliens.

In U.S. V. Carlson, 96 L.Ed 547 (1952), the Supreme court ruled that " a purpose to injure (society) could not be imputed to all aliens subject to deportation. Van Eeton V. Beebe, 49 F. Supp. 2d 1186 (D. Or, 1999), the court stated that section 1226(c) violated petitioner's due process rights and ordered a bail hearing or release. See also St. John V. McElroy, 917 F. Supp 243 (S.D.N.Y. 1996); Tam V. INS, 14 F. Supp. 2d 1184 (E.D. Cal 1998).

This court should also consider the fact that Petitioner is from Hong Kong, and his deportation back to Hong Kong will not be possible, where his life is in danger. In Tam V. INS, 14 F. Supp. 2d 1189 (E.D. Cal. 1998), the court granted release to an alien on personal recognisance or third party pending the adjudication of his petition challenging his indefinite detention.

With respect to the above reasons for bail, the INS record will support that Petitioner is a permanent resident, with well established family ties, with no prior Immigration violation or history of failure to appear in prior criminal or removal proceedings. Throughout Petitioner's detention at Snyder County Prison and FCI Allenwood, Petitioner has made an exemplary adjustment with respect to his rehabilitation. Specifically, he has victoriously finished his GED program. He gets along with staffs and fellow detainees and has never received any institutional infraction. Petitioner will also agree to any stipulation of this court in regards to his release. See Exhibit A

Petitioner has a wife, children, father, mother and father and mother in law and including his five siblings who are all United States citizen, currently living in United States. They are concerned and very supportive of him. Petitioner emphasize that he maintains close ties with his family, who may be contacted for further verification if deemed necessary.

Petitioner also inclosed letters from close family friends attesting to the negative impact which his continued detention is having on his wife and children. See Exhibit B

Petitioner's wife letter fully attest to all the problems, and extreme hardship she and the children has being suffering due to his husband' detention. See Exhibit C.

Petitioner will also inform this honorable court that if release on bail, he will reside with his wife, and also work at Page A Ride Inc. See Exhibit D.

Petitioner is not a threat to the National security, nor do he pose a bail risk, considering all his numerous equities which strongly supports and favors him significantly for release on bail. Petitioner has never failed to appear for any court hearing both civil and criminal.

In this case at bar, Petitioner have served his prison sentence, and has been detained under the custody of INS for over 20 months without a bail. Petitioner's continued detention has inflicted severe life threatening harm to his family, and irreparable injury if he is not release.

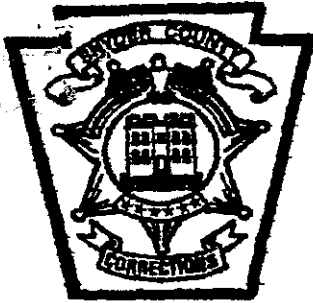
For all the reasons stated above, Petitioner respectfully moves this honorable court to grant his request for a nominal bail pursuant to Fed. R. Civ. P. 65 (c), pending the resolution of his constitutional due process violation of Fifth Amendment before this court.

Respectfull Submitted



---

Wai Chiu Mah  
98 00 193  
Snyder County Prison  
600 Old Colony Road  
Selinsgrove, PA. 17870



**SNYDER COUNTY PRISON**  
**600 OLD COLONY ROAD**  
**SELINGROVE, PA. 17870-8610**

**PHONE: (717) 374-7912**  
**FAX: (717) 374-7921**

**GEORGE C. NYE**  
**WARDEN**

**SCOTT HORNBERGER**  
**DEPUTY WARDEN**

**LARRY WOMER**  
**DEPUTY WARDEN**

EXHIBIT "A"

**DATE:** 1/12/2000

**TO:** INS Authorities

**FM:** G. C. Nye, Warden

**RE:** Mah, Wai Chiu

Frequently, INS inmates housed at this facility, request a recommendation from staff to be used by the inmate for purposes of deportation hearings and proceedings.

It is the policy of the Snyder County Prison to refrain from preparing "letters of recommendation" unless the INS directly makes such a request. However, in lieu of a letter of recommendation, the Warden of the Snyder County Prison does prepare a "letter of facts" for an INS inmate's use.

This "Letter of Facts" has been prepared at the request of the above named inmate and covers the following items. This letter *is not* to be perceived as a recommendation of any kind.

**DATE OF COMMITMENT TO THE SNYDER COUNTY PRISON:** 3/18/98

**CONDUCT RECORD:** *(If no Infraction reports have been noted, indicate "clear" conduct).  
(If inmate has not maintained "clear" conduct indicate the Date of the Infraction, the nature of the Infraction and the disposition of the Infraction by the Discipline Hearing Committee).*

Clear

**WORK ASSIGNMENTS:**

Hall Trustee

**PROGRAM PARTICIPATION:** *(Include all Educational Programs as well as Drug Abuse, etc., classes).*

None

**OTHER NOTEWORTHY ITEMS:**

None

**OVERALL GENERAL ADJUSTMENT WHILE CONFINED:**

Good

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF PRISONS

January 10, 1998  
Attachment A, Page 1

PROGRESS REPORT

FCI Allenwood, Pennsylvania  
INSTITUTION

December 17, 1997  
DATE

Inmate Reviewed:

W.C. MAH

12-17-97

[Signature]

Inmate's Signature

Date

Staff Signature

1. Type of Progress Report:		
Initial: _____ Statutory Interim: _____ Pre-Release: <u>XXX</u>		
Transfer: _____ Biennial: _____ Other (specify): _____		
2. Name: MAH, Wai Chui	3. Register Number: 37808-054	4. Age (DOB) 43 (11-12-1954)
5. Present Security/Custody Level: <u>MEDIUM/IN</u>		
6. Offense/Violator Offense: <u>Conspiracy to Transport and Possession of Firearms by a Convicted Felon</u> <u>3559 SRA</u>		
7. Sentence: <u>36 months, plus 3 years Supervised Release</u> <u>\$50.00 Felony Assessment</u>		
8. Sentence Began 03-29-1996	9. Months Served + Jail Credit 21 months + 234 JCT	10. Days GCT/or EGT/SGT 108/0/0
11. Days of FSGT/WSGT/DGCT: 0/0/0	12. Projected Release Date: 03-18-1998, Good Conduct Time Release	13. Last USPC Action N/A
14. Detainers/Pending Charges: <u>Mr. Mah has a detainer on file from the Immigration and Naturalization Service.</u>		
15. Co-Defendants: <u>N/A</u>		

## FEDERAL BUREAU OF PRISONS

## PROGRESS REPORT - CONTINUED

Committed Name: MAH, Wai Chui Reg. No.: 37808-054 Date: 12-17-1997

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INSTITUTIONAL ADJUSTMENT

- A. **Program Plan** - Mr. Mah arrived at FCI Allenwood, Pennsylvania, on May 2, 1996. He met with his Unit Team for an Initial Classification on May 31, 1997. Recommendations for his program plan included enrollment in educational classes, individual counseling with his Unit Team Members, participation in recreation, and leisure time activities, and participation in the Inmate Financial Responsibility Program.
- B. **Work Assignments** - Mr. Mah has been assigned to the Correctional Services detail since his arrival at this facility. Work performance evaluations indicate he is a good worker.
- C. **Educational/Vocational Participation** - Mr. Mah has elected not to participate in any Educational or Vocational Programs offered at this facility.
- D. **Counseling Programs** - Mr. Mah participates in individual counseling with Psychology Services on an as needed basis.
- Incident Reports** - Mr. Mah has maintained clear conduct during this period of incarceration.
- F. **Institutional Movement** - Mr. Mah was designated to FCI Allenwood, Pennsylvania, on May 2, 1996. There has been no further movement.
- G. **Physical and Mental Health** - Mr. Mah is assigned Regular Duty Status with the medical restriction of "No Food Service Work." He should be considered fully employable upon release from custody.
- H. **Progress on Financial Responsibility Plan** - Mr. Mah has completed his financial obligations.



EXHIBIT "B"

Stefanie So Fong Hui  
204 East 2<sup>nd</sup> Street  
Brooklyn, NY 11218

January 3, 2000

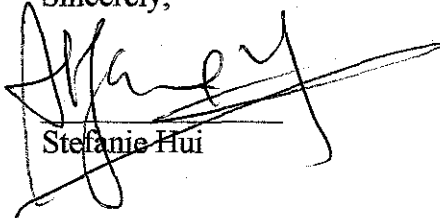
Dear Sir/Madam:

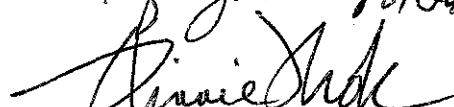
I am writing in regards to Wai Chiu Mah. I, Stefanie Hui, age 33, am currently a Client Financial Analyst at Citibank. I have been with the bank since May of 1986. It was very early on in my tenure at Citibank that I met Ms. Shill Ling Lee when she joined the staff. In the course of the years, I have gotten to know her family quite well, including her husband Mr. Mah, who was working at a restaurant two blocks away from the bank. In fact, I consider them very close friends on and off the job. Therefore, I would like to offer myself as a reference in Mr. Mah's defense.

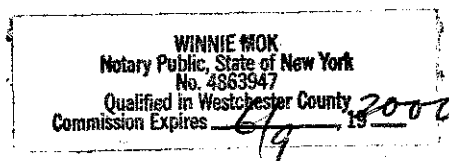
As far as I know, the Mah family has been law-abiding citizens. Mr. and Mrs. Mah, although not particularly wealthy, have provided for their two children. Mrs. Mah had a measly teller's salary and Mr. Mah worked long hours for his. Whatever money they received, had their blood and sweat on it. They never relied on Government assistance, unlike some permanent and nonpermanent residents who are much less deserving. Their children have grown to be polite and well-mannered young people. By no means is Mr. Mah a threat to society.

This family has suffered enough, especially the children. I would like to see them back together with their father soon. So please, if I could be of further help, contact me at the above address or at work, 2 Mott Street, New York, NY 10013, tel: 212-240-1850.

Sincerely,

  
Stefanie Hui

*Sworn to before me this 4<sup>th</sup> day  
of January, 2000*  
  
Notary Public



Victoria Chin  
92 East Broadway Apt. #4  
New York, New York 10002  
Tel: (212) 925-1035

Re:  
Mah Wai Chiu  
#9800193 A-Block  
600 Colony Rd.  
Selinsgrove, PA 17870

To Whom It May Concern:

I am writing this letter on behalf of Mr. and Ms. Mah.

Mr. Mah and I have known each other for 25 years and Ms. Mah for 33. Ms. Mah and I went to the same grade school and kept our friendship throughout the years. We lived in the same neighborhood and city, where we grew up. She later on married Mr. Mah, whom also lived in the same neighborhood as us. They have two lovely children, a daughter, 16 and a son, 13 years of age.

Mr. and Ms. Mah are both respectful and responsible parents. They have a good relationship with their children, as well with each other. They both are very helpful to others.

Mr. Mah violated the law, and got sentenced for the violation. Ms. Mah was very disturb by having to manage everything on her own. That she had to make changes which not only affected her, but their children as well.

Due to the difficulty of raising two children that require full attention, and having to work a full time job. Ms. Mah had to send her daughter out to Phoenix, AZ. to live with her husband's parents. Her son, whom has asthma that requires 24 hours care. She also has to take care her mother, whom has a health condition that needs medical attention at all times.

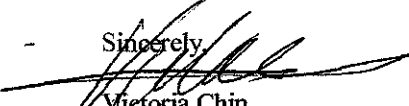
Recently, I have noticed some changes in her. She is under a lot of stress, and is always tired. She also has financial difficulty. I believed that it has to do with her husband situation.

She bought to my attention of having difficulty in raising the money for the lawyer's fee for Mr. Mah 's case. Therefore, I had given her the money hoping the lawyer can help her husband in his case. I was told that Mr. Mah is in the process of being deported out of the country.

The children are at state. The impact they had when the father was detained. Which had affected their daily lives as well in schooling. And, having to hear the father has a high percentage of being deported out of the country. Which leaves them not knowing when they will ever see their father. As for the children, they too need their father to be supportive and caring in order to have a better education as well a normal living environment.

I sincerely hope that the case be review and look into, where Mr. Mah can remain in the country. Where he can contributed his time to work for his violation of the law. And, their family can be united as one.

I like to thank you for your time and attention. If additional information is needed, feel free to contact me.  
Thank you.

Sincerely,  
  
Victoria Chin  
January 3, 2000

*State of New York*  
*County of New York*  
*Sworn to before me*  
*4<sup>th</sup> day of Jan*  
*Nora Rodriguez*  
NORA RODRIGUEZ  
Notary Public, State of New York  
No. 01R05050031  
Qualified in New York

## EXHIBIT "C"

Shill Ling Lee  
90-23 54<sup>th</sup> Street  
Elmhurst, NY 11373

December 27, 1999

To Whom It May Concern:

My name is Shill Ling Lee, spouse of Wai Chiu Mah since 1980. I was born in China and now a United States Citizen by naturalization. My husband and I have two children, Desiree, 16 years old and Sean, 13 years old. Both were born in the United States.

I am writing this letter to inform this honorable court of the difficulty my family and I am experiencing due to my husband's prolonged detention at Snyder County Prison. My husband and I worked hard together to create a secure household for our children. He was the primary provider of our family. In his absence, our family plans have been placed on hold and the family structure is falling apart.

I have been left with the burden of caring for our two teenage children alone. The youngest needs constant medical attention due to his serious asthma condition. The situation is impacting them negatively in their studies and in their attitude. My daughter has grown quite rebellious. With the stress of mounting bills and increasing negative friction amongst my children, and myself, I was left with no choice but to incorporate the help of my parent-in-laws. My daughter is currently living with them in Arizona. Unfortunately, this means Desiree and Sean will have to be separated for an indefinite period of time. In addition, I have to look after my aging parents, who are in their seventies.

It has been an extremely stressful period in my life and it will only get worse if this continues. It will soon be time for my daughter to make her college selections. It will highly be unlikely and unfair for my parent-in-laws to pay for her college education. And it will be unfair for my daughter to limit her choices due to economic reasons if she has the scholastic potential.

I hope you understand why I am pleading for this honorable court to give my husband a second chance. My husband has served the required sentence for the offense he was convicted of and I'm quite sure with good behavior. He has been a United States resident for most of his life. My husband's deportation will be devastating to him and the entire family. By detaining him any longer or deporting him, this family will be permanently destroyed.

I desperately need the support of my husband and my children need their father's guidance. I am thanking you in advance for your utmost consideration in determining my husband's case and for your assistance in making our family unified again.

Respectfully yours,

  
Shill Ling Lee

*Sworn to before me this 4<sup>th</sup> day  
of January, 2000*  
  
Notary Public

WINNIE MOK  
Notary Public, State of New York  
No. 4863947  
Qualified in Westchester County  
Commission Expires *6/9* *2000*

1/2/00

To whom it may concern

My name is Sean Mah. I am 13 years old. I am going to Manhattan Academy of Technology middle school. I am living with mother. My sister, Desirée is living with my grand parents in Arizona. My mother cannot take care of two kids all by herself. I get sick alot because of my asthma. Especially we lived in a basement my asthma does get worst. But that's all my mother could afford to paid for rent. I missed my father taking care of me. I feel bad when I see my mother have to work so hard to stay survive. I missed having my family being together. I hope my father could come home soon.

Yours sincerely

Sean Mah

# PAGE-A-RIDE Inc.

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EXHIBIT "D"

JANUARY 1, 2000

TO WHOM IT CONCERN,

THIS LETTER IS TO CONFIRM EMPLOYMENT FOR WAI CHIU MAH.  
EMPLOYMENT WILL TAKE EFFECT WHENEVER MR. MAH IS AVAILABLE.

SINCERELY,

  
\_\_\_\_\_  
ANTHONY MUI

VICE-PRESIDENT